

RHODE ISLAND ETHICS COMMISSION

FY98 ANNUAL REPORT

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The Independent Man stands atop the State Capitol. Designed by sculptor George Brewster, the statue symbolizes independence and freedom and serves as a reminder that it is important to stand strong for beliefs which are morally right and which will benefit all citizens.



MESSAGE FROM THE CHAIRPERSON

The Rhode Island Ethics Commission has the constitutional responsibility to adopt, administer and enforce a Code of Ethics for all elected and appointed officials and employees of state and local government. Article III, section 7 of the Constitution of the State of Rhode Island affirms that “the people of the State of Rhode Island believe that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety and not use their position for private gain or advantage.”

The Ethics Commission fulfills its responsibilities with a comprehensive educational program; an advisory opinion and declaratory ruling process that provides advice and guidance to public officials and employees and the public at large; and, when necessary and appropriate, by investigating and prosecuting public officials who violate the law. The business and work of the Ethics Commission belongs, first and foremost, to the people of Rhode Island. This Annual Report, which summarizes and explains the work of the Commission during the most recent fiscal year, endeavors to fulfill our constitutional statutory obligation to apprise the people of where we have been and where we are going.

Robert A. DeRobbio
Chairperson

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INTRODUCTION TO THE COMMISSION

The Rhode Island Ethics Commission is a constitutionally mandated body authorized to adopt, administer, and enforce the state’s Code of Ethics. The Code sets forth standards of conduct for all public officials and employees.

The Commission educates and advises public officials and employees about the standards of conduct set out in the Code of Ethics. Advisory opinions respond to specific questions about the Code posed by officials or employees facing potential conflicts of interest. The education program offers seminars and workshops and disseminates publications about the Code of Ethics, its statutory and regulatory guidelines, and the procedures of the Ethics Commission.

The Commission enforces the Code of Ethics through a combination of confidential investigative proceedings, open hearings and public adjudications. Enforcement powers include civil penalties and, in some instances, the power to remove an official from office.

All educational publications, advisory opinions, complaints, and final determinations of the Commission are available to the public. Investigative reports and related pleadings and Commission orders become public at specific junctures in the enforcement process.

This Annual Report summarizes the activities of the Commission for Fiscal Year 1998 (July 1, 1997 to June 30, 1998). Separate sections describe FY98 activities relating to regulatory and policy changes, declaratory rulings, advisory opinions, investigations and enforcement, litigation, financial disclosure, education, and public access. Each section also discusses Commission goals for Fiscal Year 1999.

In 1976, the Rhode Island General Assembly enacted the state’s first Code of Ethics and created the Conflict of Interest Commission. That Code governed the activities of state and municipal elected and appointed officials and required all such officials to meet newly imposed financial disclosure requirements. The Conflict of Interest Commission enforced the statute.

In November, 1986, Rhode Island voters adopted a constitutional amendment mandating that the General Assembly “establish an independent, non-partisan ethics commission” (R.I. Const. art. III, sec. 8). In 1987, the General Assembly replaced the Conflict of Interest Commission with a 15-member Ethics Commission. In 1992, the Assembly reduced the size of the Ethics Commission to the current nine members.

INTRODUCTION

HISTORY

AUTHORITY

The Rhode Island Constitution empowers the Ethics Commission to adopt and enforce a Code of Ethics, to investigate violations and to impose penalties, including removal from office (R.I. Const. art. III, sec. 8). Legislation enacted by the General Assembly grants the Ethics Commission additional powers to issue advisory opinions to public officials and employees and to offer educational programs. The statute also governs the process by which Commissioners are appointed, sets quorum requirements and defines the administrative powers of the Commission. (R.I. Gen. Laws § 36-14-1 et seq.)

POWERS

- The fundamental powers of the Ethics Commission are to:
- ▲ Adopt a Code of Ethics
 - ▲ Advise Public Officials and Employees about the Code
 - ▲ Enforce the Code of Ethics
 - ▲ Enforce Financial Disclosure Requirements and Maintain Financial Disclosure Records
 - ▲ Educate Public Officials, Employees and Citizens

THE CODE OF ETHICS

The Rhode Island Constitution requires that public officials and employees “adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety and not use their position for private gain or advantage.” (R.I. Const. art. III, sec. 7).

The Constitution provides that all Rhode Island public officials and employees are subject to the Code of Ethics: elected and appointed officials and employees at the state and local levels of government.

The Code of Ethics prohibits conflicts of interest. Public officials and employees may not have financial interests that are in substantial conflict with the proper discharge of their public duties. Conflicts of interest include the financial interests of the public official or employee as well as those of his or her family, private employers, business associates, or any business the official or employee may represent. When conflicts of interest arise, public officials and employees are required to disclose the nature of the conflict. They are further required to disqualify themselves: they may neither take any official government action nor participate in deliberations concerning a matter in which they have a conflict of interest.

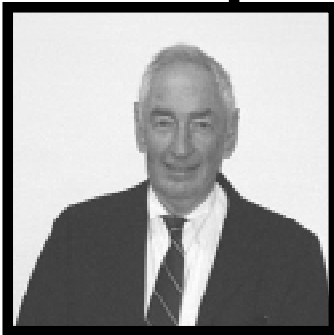
The Code of Ethics includes statutory provisions adopted by the General Assembly (R.I. Gen. Laws § 36-14-1 et seq.) and regulatory provisions adopted by the Ethics Commission (Commission Regulations 36-14-1001 to 36-14-8001). The Ethics Commission also has regulatory authority relating to certain financial disclosure requirements for gambling interests (R.I. Gen. Laws §49-9-1 et seq.) and enforcement authority relating to goods or services provided to public officials and employees by state vendors (R.I. Gen. Laws § 36-14.1-1 et seq.). Copies of the Code are available from the Ethics Commission.

The Commission is comprised of nine Rhode Islanders. Four are appointed directly by the Governor; five are appointed by the Governor from lists of nominees submitted by the majority and minority leaders in the House and Senate and by the House Speaker, respectively. No Commission Member may serve more than one full five-year term. While serving on the Ethics Commission, members are prohibited from holding or campaigning for public office, holding office in any political party or political committee, and participating in or contributing to any political campaign. Commissioners may neither directly nor indirectly attempt to influence any decision by a governmental body. During FY98, the Commission conducted 27 meetings. Section 36-14-8(i) of the Rhode Island General Laws provides that Commission members shall receive one hundred dollars (\$100) per day as compensation for attendance at meetings of the Commission; for FY98, however, the Commissioners received no compensation for their service because no funding for such was requested by the Governor or provided by the General Assembly.

Robert A. DeRobbio, Chairperson, was appointed by Governor Bruce Sundlun in 1994. He was first elected by the Commission as Chairperson in May, 1997 and reelected in September, 1998. Mr. DeRobbio, a resident of Providence, is the interim Superintendent of the Providence Public School Department. He holds a doctorate in Educational Leadership from the University of Connecticut, an M.A. in Learning Disabilities from Providence College and an M.A. in Administration and Counseling from the University of Rhode Island, as well as a Certificate of Advanced Graduate Studies in Secondary Administration from Rhode Island College. He has served on the Providence School Board as Vice Chair; he is a past President of the Executive Board of the R.I. Association of School Principals, and past President of the Executive Board of the R.I. Association of School Committees. Mr. DeRobbio’s term expires in 1999.

THE COMMISSION





Melvin L. Zurier, Vice Chairperson, was appointed by the Governor in 1997. He was elected by the Commission as Vice Chairperson in September, 1998. He is a resident of Providence and is Of Counsel to the law firm of Tillinghast Licht & Semonoff. Mr. Zurier is a Phi Beta Kappa graduate of Harvard College and Harvard Law School. Mr. Zurier served in the Judge Advocate General's Department of the Air Force during the Korean conflict and retired as a Colonel in the Air Force Reserve. Mr. Zurier has practiced law in various capacities over the last four decades. Aside from serving as a private attorney, Mr. Zurier has also served as Executive Counsel to the Governor, Counsel to the Rhode Island Public Utilities Commission, and as a Brown University Business Law instructor. Additionally, Mr. Zurier has served as a member of the Rhode Island Judicial Council, Uniform State Laws Commission, and the Providence City Plan Commission. Mr. Zurier is also the Honorary Vice President for life of the Jewish Federation of Rhode Island and a past President of the Harvard Club of Rhode Island and Temple Beth El. His term expires in 2002.



Richard Connor, Secretary, was nominated to the Commission by Senate Minority Leader Michael J. Flynn and appointed by Governor Sundlun in 1994. He was elected by the Commission as Secretary in September, 1998. A resident of Glocester, Mr. Connor is retired after more than 31 years of state service. He was Chief Accountant for the Department of Business Regulation and served as an auditor with the Auditor General's Office. He holds a degree in Accounting and Finance from Bryant College. Mr. Connor has served as a Commissioner of the Smithfield Housing Authority, Treasurer of the Greenville Water District, and Vice President of the Northwest Community Nursing and Health Service. His term expires in 1999.



Thomas D. Goldberg was nominated by House of Representative Minority Leader Wayne Salisbury and appointed by Governor Almond in 1998. A resident of Wakefield, Mr. Goldberg is in the private practice of law at Goldberg Law Offices in Pawtucket. He holds degrees from Hobart College and the University of Tulsa School of Law and has served as an attorney with the Legal Aid Society and for the Fire Board of Appeal and Review. He has been a member of the Bar Association House of Delegates for the past 5 years. His term expires in 2000.



Richard Kirby was nominated by Speaker John Harwood and appointed by Governor Almond in 1998. A resident of Providence, Mr. Kirby is engaged in the private practice of law with Macktaz, Keefer & Kirby. He earned degrees at the University of Rhode Island and the Catholic University of America, Columbus School of Law. He has served as law clerk to the Chief

Justice of the Rhode Island Supreme Court previously, Assistant Cumberland Town Solicitor, and Legal Counsel to the Subcommittee on Financial Institutions, U.S. House of Representatives. His term expires in 2002.



James Lynch, Sr. was appointed by Governor Lincoln Almond in 1997. He is a resident of North Kingstown where he was an elected Moderator for one term and a member of the Tax Assessment Review Board for sixteen years, serving as its chairperson the last four. He also has served on the State Board of Elections. Mr. Lynch is a retired Army Lt. Colonel who obtained a bachelor's degree from the University of Nebraska under the Army's "Bootstrap Program." He obtained an M.B.A. from Bryant College after retirement and went to work first for Roadway Express as a Dock Foreman and then for the OMNI Biltmore Hotel as their Human Resources Director, retiring in 1988. Mr. Lynch is also very active with the Prince Hall Masons and Shriners, holding the second highest office in the State of Rhode Island. His term expires in 2001.



David McCahan of Barrington was appointed by the Governor in 1998. He is a Pennsylvania native with a B.S. in Economics from the Wharton School. He has worked with Northwestern Mutual Life Insurance Co. for 44 years. Mr. McCahan also has been active with the Barrington Presbyterian Church, the United Way, and the Rhode Island Life Underwriters Association and the Rhode Island CLU Association. His term expires in 2000.



James V. Murray was nominated by House Majority Leader Gerard Martineau and appointed by Governor Almond in 1998. A resident of Warwick, Mr. Murray has served as Managing Attorney for Amica Mutual Insurance Co. for the last five years. Prior to joining Amica, he served as managing attorney to Cigna Corporation and Aetna Life & Casualty and as attorney for Travelers Insurance Company. He earned degrees at the Harvard University, B.A. in Government, cum laude, and Suffolk Law School. His term expires in 2003.



Paul V. Verrecchia was nominated by Senate Majority Leader Paul Kelly and appointed by Governor Almond in 1997. Mr. Verrecchia is a resident of North Kingstown and is the Brown University Chief of Police and Security Services. Mr. Verrecchia served with the Providence Police Department for twenty-two years. He retired as a Major in January, 1997 and was that Department's Chief Administrative Officer. He is a member of the International Associations of Chiefs of Police; the New England Association of Chiefs of Police; the International Association of Campus Law Enforcement Administrators; the New England College and University Security Associa

tion; the Rhode Island Association of College and University Directors of Public Safety and the Massachusetts Association of College and University Directors of Public Safety. He is also an Assessor for the Commission on Accreditation of Law Enforcement Agencies. Mr. Verrecchia holds degrees in both English and the Administration of Justice from Roger Williams University and an M.P.A. from the University of Rhode Island. His term expires in 2001.

Kathie J. Chadwick, resigned June, 1998
Lori J. Mason, resigned June, 1998
John J. O'Brien, term expired September, 1998

GOALS FY98

The Commission established and met six major goals for FY98. First, the Commission continued to focus on developing access to Commission records and information through the Internet. (See Public Access, page 33) Second, the Commission met its goal in promptly issuing advisory opinions and incorporating them into annual digests for distribution (See Advisory Opinions, page 12) Third, the Commission continued its effort to expand its investigative resources and streamline functions resulting in a) an expanded capability to initiate and pursue preliminary investigations, b) greater prosecutive capacity, and c) quicker resolution of unsubstantiated complaints. (See Investigations and Enforcement, page 17) Fourth, the Commission began integrating multi-media technology into its education programs and presentations. (See Education, page 28) Fifth, the Commission continued its comprehensive review of the Code of Ethics and adopted three new regulatory provisions. (See Regulatory and Policy Changes, page 9) Finally, the Commission expanded its use of technology including updating and improving databases. (See Computers and Technology, page 31)

COGEL

COGEL, Council on Governmental Ethics Laws, is a professional organization for agencies and individuals with responsibilities in governmental ethics, elections, campaign finance, freedom of information and lobby law regulation. Its membership is drawn from federal, state provincial and local governments, as well as from other private and public parties.

At the 1997 Conference in Edmonton Alberta, the membership of COGEL voted to hold the 1999 Conference in Providence. It is projected to bring some 300-400 representatives from the United States, Canada and other international venues to the Westin Hotel in Providence, December 5-8, 1999. The conference typically lasts for four days and includes meetings, presen-

tations and workshops regarding issues faced by member agencies. Staff and members of the Ethics Commission have participated on discussion panels at the conference in recent years. The Ethics Commission and the Secretary of State are sponsoring the event.

Expenditures for FY98 totaled \$783,671. This reflects a \$62,871 increase from FY97. Some of the increase can be attributed to on-going computer upgrade project. In addition, for the first time in about a decade, the Commission had full staffing in FY98.

FY98 expenditures can be broken down as follows:

Administration	\$ 58,000	7.45%
Investigations & Prosecutions	274,507	35.00
Advisory Opinions	114,500	14.60
Education	67,000	8.55
Financial Disclosure	34,000	4.30
Regulations & Policy	31,500	4.00
Property & Equipment	98,520	12.60
Technology & Public Access	<u>105,644</u>	<u>13.50</u>
TOTAL:	\$783,671	100.0%

The staff of the Ethics Commission has responsibility for the daily operations of the agency. The Executive Director/Chief Prosecutor is the chief administrative officer, directs all investigative and enforcement activities, prosecutes complaints before the Commission, litigates matters before the Superior and Supreme Courts of Rhode Island, and coordinates policy decisions of the Commission. The Education Coordinator designs, develops and directs all educational programs, including seminars and publications, acts as a liaison to the public and the media, and coordinates the Commission's advisory opinion and public access programs. The Staff Attorney oversees investigative matters, conducts prosecutions, represents the Commission in court litigation and drafts legal recommendations for the Commission regarding advisory opinions, legislation and policy matters. The Investigators investigate complaints filed by private parties and by the Commission, oversee preliminary investigations and process and review non-complaint information received by and/or referred to the Commission. The Commission's Legal Assistant drafts advisory opinions, represents the Commission in investigations, prosecutions and litigation matters. The Office Manager and

BUDGET

STAFF

ancillary staff maintain all financial disclosure and complaint records and provide administrative support to all Commission programs and activities. Considerable staff time is devoted to creating and maintaining accessible records for public inspection. Staff respond to hundreds of requests for information and access to Commission records.

Personnel

Executive Director/Chief Prosecutor	Martin F. Healey
Special Assistant/Education Coordinator	Renee A. Stadel
Staff Attorney	Colleen A. Brown
Investigator	Raymond E. Bouchard
Investigator	Steven T. Cross
Legal Assistant	Katherine Tammelleo
Office Manager	Susana M. Gomes
Administrative Assistant	Patricia F. Barker
Legal Secretary	Betsaida Pena
Legal Secretary	Michelle R. Lee

LEGAL COUNSEL

The services of the legal counsel are retained independent of the executive director or other Commission employees. The counsel responds to questions of law posed by Commission members and participates in the drafting of Advisory Opinions. The Commission’s Legal Counsel is Amelia Edwards.

STUDENT INTERNS

During FY98, two undergraduate students interned with the Commission, conducting research, assisting with data entry and providing support to the advisory opinion and educational programs.

- Kevin Cosellino, 1/98 - 5/98
- Jessie Howell, 9/96 - 12/97
- Debra Hogan, 9/97 - 12/97
- Jill Mucciarone, 6/98 - 12/98

The Rhode Island Constitution empowers the Commission to “adopt a code of ethics.” Statutory provisions authorize the Commission to prescribe and publish, after notice and public hearings, rules and regulations to carry out the provisions of R.I. Gen. Laws § 36-14-1 et seq.

In June 1998, the Commission adopted four provisions. The Commission voted to adopt Commission Regulations 36-14-5009 regarding Gifts and Commission Regulation 36-14-5010 regarding Honoraria. The provisions restrict public officials and employees with decision-making authority from accepting gifts or honoraria from “interested persons,” defined as companies or persons having business before the official’s or employee’s agency. The provisions do not prohibit all gifts to public officials or employees, but those with decision-making authority may no longer accept travel, meals, tickets or other items from vendors, regulated entities or others for which they exercise decision-making authority. Exceptions allow officials to accept certain nominal items or services of insignificant value. The Commission also approved Commission Regulation 36-14-5011 Transactions with Subordinates which prohibits public officials and employees from engaging in private financial transactions with officials and employees who they supervise. The new rules bar public officials and employees from soliciting political contributions, loans, or other items of value from subordinates. The provision provides for exceptions when the subordinate is the person initiating the transaction, for charitable campaigns sponsored by the highest official or body in the state or municipality and for transactions in the normal course of a regular commercial business. Finally, the Commission adopted Commission Regulation 36-14-2002 Additional Definitions, which clarify which appointed officials and employees are covered by the Code of Ethics. The adoption of these regulations followed public hearings in 1995, 1997, and 1998.

The Commission publishes the Code of Ethics and Procedural Regulations. Revisions to the Code of Ethics and other regulatory matters are subject to the provisions of the Administrative Procedures Act, including requirements for notice and public hearings.

During FY99 the Commission will continue its process of strengthening and improving the Code of Ethics. The Commission expects to consider provisions concerning financial disclosure, use of campaign contributions, politi

INTRODUCTION

NEW CODE PROVISIONS FY98

PUBLIC ACCESS

GOALS: FY99

REGULATORY AND POLICY CHANGES

cal contributions by lobbyists and municipal revolving door. Public hearings will be held on these provisions prior to adoption. The Commission invites participation in the public hearings and the drafting process by elected and appointed officials, by public employees, and by all interested organizations and individuals.

DECLARATORY RULINGS

The Ethics Commission, under Commission Regulation 36-14-1025, accepts petitions from any interested person seeking a “declaratory ruling” clarifying the applicability of the Code of Ethics. A declaratory ruling provides an explanation or clarification of the Code. Such rulings have the same status as Commission orders in contested cases and may be challenged in Superior Court.

No requests for a declaratory ruling were received by the Ethics Commission in FY98.

All declaratory rulings are public records. Declaratory rulings are issued in open session following public hearings. All hearings and open meetings are posted and the public may attend.

INTRODUCTION

DECLARATORY RULINGS FY98

PUBLIC ACCESS

INTRODUCTION

Rhode Island General Laws § 36-14-11 authorizes the Ethics Commission to issue advisory opinions to public officials and employees. Any public official or employee may request or petition that the Commission interpret the Code of Ethics and recommend specific actions in keeping with the requirements of the Code. Advisory opinions require an affirmative vote of five of the nine members of the Commission. Requests for advisory opinions must be in writing and include the petitioner’s position, the jurisdiction and powers of the department, agency, or public body he or she serves, and the nature of the potential conflict or other inquiry. Opinions are issued in open session and are public records. Responses to advisory opinion requests are usually made within 1-2 weeks.

ADVISORY OPINIONS FY98

One hundred seventy (170) advisory opinions were issued in FY98. More than 60% of the advisory opinion requests in FY98 came from municipal appointed and elected officials, with 11% coming from state appointed and elected officials and 27% from municipal and state employees. Thirty-six (36) of the State’s 39 cities and towns were represented by these advisory requests. Chart I shows the distribution of requests among elected, appointed, and employed public servants of state and municipal government.

Chart I

Advisory Opinion Requests FY98
Distribution by Government Office

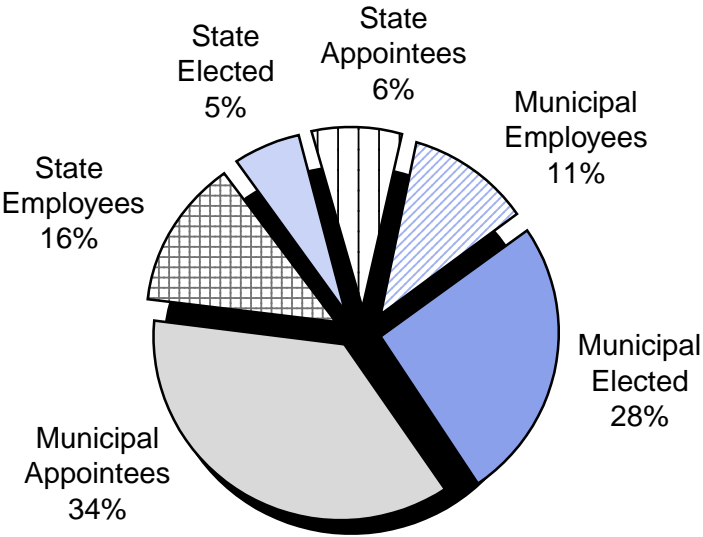
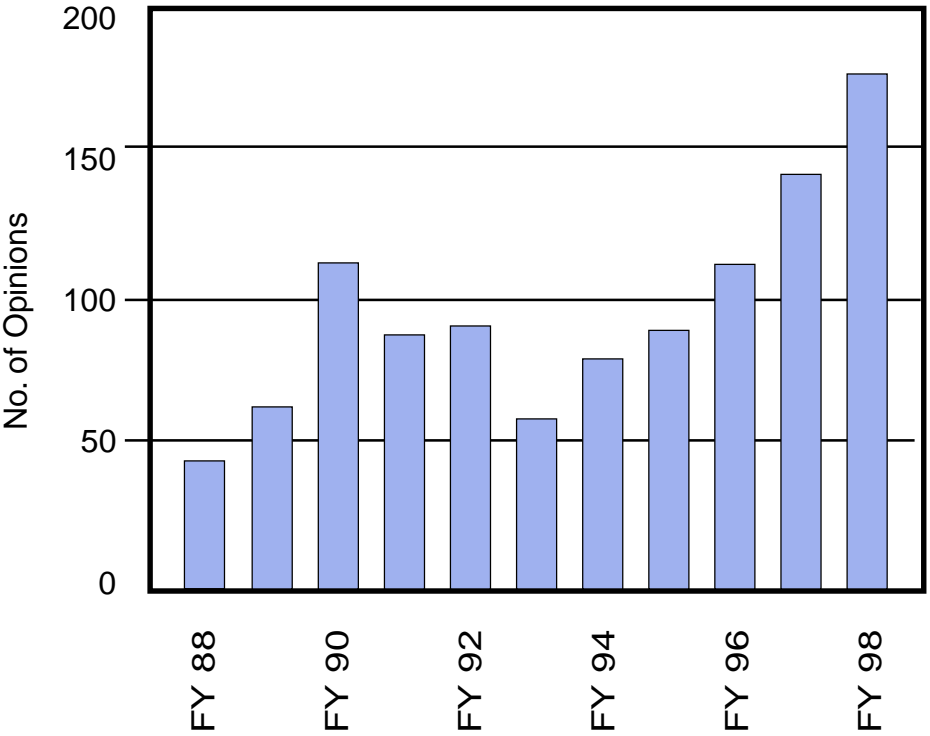


Chart II shows the number of advisory opinions issued in each fiscal year since the establishment of the Ethics Commission in FY88. Since FY93, the number of advisory opinions issued by the Commission has risen each year, reaching a historical high in FY98.

ADVISORY OPINIONS FY 88-FY98

Chart II



Most frequently, the advice sought in FY98 related to the potential conflicts arising when an official or employee also has private employment (35 requests) or a business associate (20), contracts (17), a property interest (17), a public official or employee appearing before his/her own Board or Agency while serving on the Board or for one year thereafter (15), serving in more than one public role (14), financial interest (14) and business interest (11). The following is a list of topics addressed by advisory opinions issued in FY98.

KEYWORD INDEX

- A**
Acting as Agent (5)
Agency Benefit (1)
Appointing Authority (2)
- B**
Budgets (1)
Business Associate (20)
Business Interest (11)
- C**
Candidate (7)
Charitable Events (1)
Class Exception (5)
Client’s Interest (4)
Code Jurisdiction (5)
Compensation (6)
Contracts (17)
- D**
Disciplinary Authority (1)
Discretionary Authority (2)
Dual Public Roles (14)
- E**
Ex-Officio (1)
- F**
Family: Business Interest (3)
Family: Financial Benefit (4)
Family: Private Employment (4)
Family: Property Interest (5)
Family: Public Employment (5)
Family: Supervision (2)
Financial Disclosure (7)
Financial Interest (14)
- G**
Gifts (3)
- H**
Hardship Exception (7)
Honoraria (2)
- IJKL**
Litigation (6)
Lobbying (1)
- M**
Meals (2)
Memberships (5)
Ministerial (4)
- N**
Negotiations (1)
Nepotism (6)
Non-profit Boards (7)
- OP**
Pension Benefit (2)
Political Activity (2)
Post-Employment (6)
Private Employment (35)
Property Interest (17)
Prospective Employment (5)
Public Forum Exception (4)
Public-Private Partnerships (3)
Purchasing (1)
- QR**
Recusal (4)
Regulatory Decisions (1)
Revolving Door (15)
Rule of Necessity (2)
- ST**
Travel (1)
- U**
Unions/Bargaining Unit (2)
- V**
Vendors (1)
- WXYZ**

Because requests often raise multiple issues, the number of topics exceeds the total number of opinions.

TELEPHONE INQUIRIES

In FY98 the Commission continued its efforts responding to telephone inquiries from government officials and employees and from the public at large. Through rotating staff assignments, questions about the Code or Commission procedures are answered without delay. While not offering legal advice, the staff provides information, copies of past advisory opinions and educational publications in response to more than 900 calls during the fiscal year. About 44% of the calls came from private citizens and the media with the remainder made up of public officials and employees. Of the calls placed by public officials, municipal elected officials made approximately one-third of the inquiries. Overall, municipal officials and employees’ inquiries exceeded those of state public officials and employees by a 3:2 margin. More than 50% of the calls were questions about advisory opinions or complaints, but also included questions about financial disclosure, recusal, whether a particular matter fell within the Commission’s jurisdiction, gifts, dual public roles, revolving door, nepotism and requests for information.

The Ethics Commission also issues General Commission Advisories. These advisories offer broad interpretations of the Code of Ethics relevant to all persons holding a given public office, or pertaining to commonly faced conflicts of interest. To date, the Commission has issued thirteen such advisories. Following the adoption of regulations in June, the Commission withdrew General Commission Advisories 5, 7, and 12. The topics of these advisories are listed by year of issuance in the following table.

GCA #	General Commission Advisory	Year Issued
1	Nepotism	1988
2	Filing Requirements of Financial Disclosure Statements for Law Firms Acting as City and Town Solicitors	1988
3	City or Town Solicitors Representing Individuals Charged with Ethics Code Violations	1988
4	Counsel for State Boards, Commission or Agencies Representing Individual Members Charged with Ethics Code Violations	1988
5	Guidelines for Public Officials and Employees Pertaining to Complimentary Meals - Withdrawn - See Regulation 5009	1988

GENERAL COMMISSION
ADVISORIES FY88-92

GCA #	General Commission Advisory	Year Issued
6	Salary Raises for Public Officials	1989
7	Free Passes - Withdrawn - See Regulation 5009	1989
8	Architect Members of State and Local Historic Preservation Commissions Appearing before their Respective Agencies	1989
9	Police Chiefs Serving as Members of Collective Bargaining Units Representing Uniformed Officers - Withdrawn	1989
10	Regarding RISDIC	1990
11	Activities of a State or Municipal Official in Connection with Decisions Concerning His or Her Property, or the Property of Certain Relatives	1991
12	Regarding Vendor Paid Travel - Withdrawn - See Regulation 5009	1991
13	Legislators and their Related Financial Interests	1992

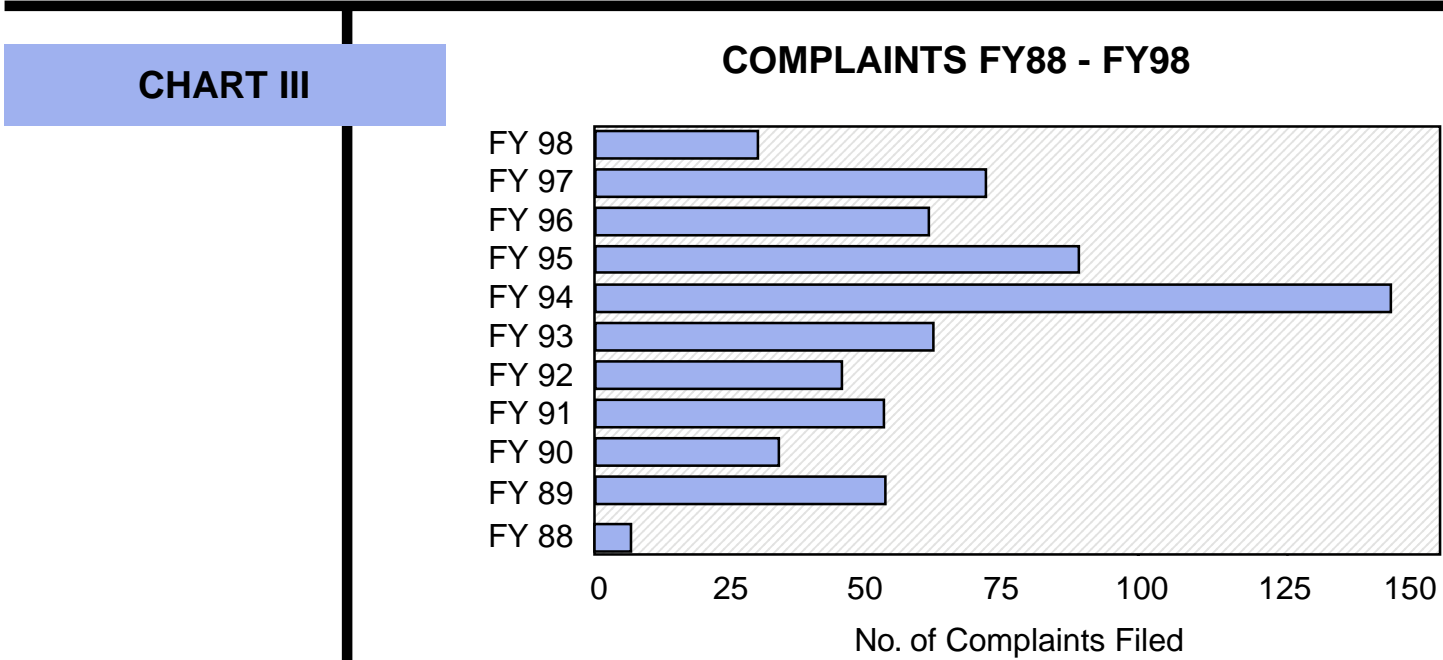
PUBLIC ACCESS

All General Commission Advisories and individual advisory opinions are public records and are issued in open session. The Commission has published Advisory Opinion Digests with indices for simple reference and research. Most recently, the 1992-1994 and the 1997 Advisory Opinion Digests were completed. Additionally, the full text of the Commission's Advisory Opinions is available on the internet for General Commission Advisories still in effect and for individual advisories issued from 1995 through 1998. The Commission's Web address is <http://www.state.ri.us/ethics>.

GOALS: FY99

Over the years, advisory opinions and general commission advisories have established a written record of the Commission's interpretations of the Code of Ethics and its application to the on-the-job dilemmas that face public officials and employees. In FY99 the Commission will continue its efforts to more widely disseminate the opinions as tools for education and legal research. In addition, the Commission will maintain its resolve to respond to advisory opinion requests as expeditiously as possible and with full opportunity for public input and discussion.

<p>The Ethics Commission is empowered by Constitutional and Statutory provisions to enforce the Code of Ethics. (R.I. Const. art. III, Sec. 8; <u>R.I. Gen. Laws</u> §§ 36-14-12, 13, and 14.) Its enforcement powers include accepting or initiating complaints alleging Code violations, investigative authority, adjudicative authority, and the power to impose civil penalties.</p> <p>Any person may submit a sworn complaint. Public officials and employees who are alleged to have violated the Code receive notice of the filing of any complaint against them. At the first stage of formal review-initial determination, the Commission meets in executive session to determine whether a complaint alleges facts sufficient to constitute a knowing and willful violation of the Code. A complaint that is found to allege a Code violation is then investigated by the Commission's staff. At the second stage of review, the Commission conducts a probable cause hearing in executive session. If probable cause is found to believe the Code has been violated, the Commission conducts an adjudicative hearing in open session.</p> <p>Persons found to have violated the Code of Ethics are subject to civil penalties. A fine of up to \$25,000 may be imposed for each violation. Officials who are not subject to impeachment may be removed from office by the Commission. All Commission rulings and orders are subject to appeal to the Superior Court of the State of Rhode Island.</p> <p>Preliminary investigations are undertaken when the Commission receives information, other than through a formal complaint, which indicates a possible Code violation. Under formal policies and procedures governing preliminary investigations, the executive director is required to notify the Commission whenever such an investigation is initiated and all materials relating to the investigation remain confidential unless and until a formal Commission complaint is filed. The subject of a preliminary investigation receives notification within 60 days of its initiation. In FY98, five preliminary investigations were conducted leading to one formal complaint filed by a Commission investigator.</p> <p>As the fiscal year began, 66 complaints were pending before the Ethics Commission. During FY98, an additional 30 complaints were filed, including those initiated by the Commission. The number of complaints filed annually peaked in FY94 at 142. A summary of this information is contained in Chart III.</p>	<div>INTRODUCTION</div> <div>PRELIMINARY INVESTIGATIONS FY98</div> <div>COMPLAINTS FILED FY88-FY98</div>
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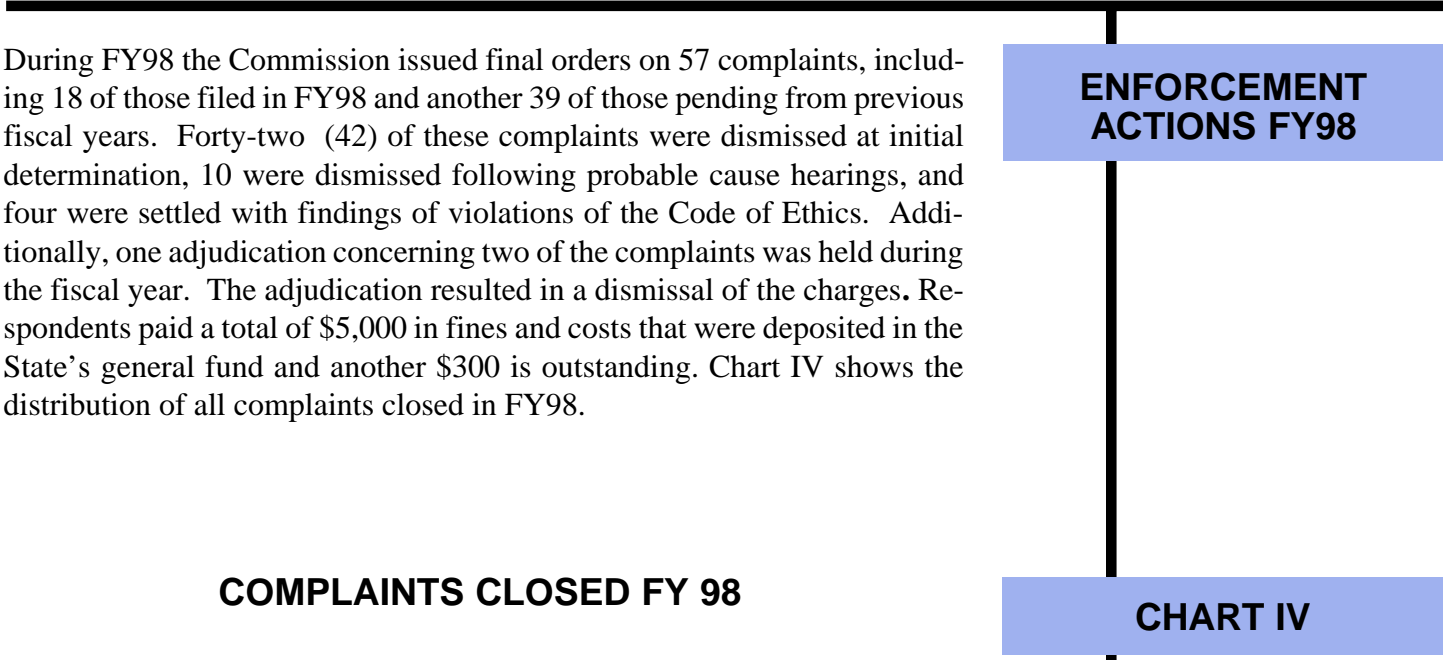


THRESHOLD INQUIRIES
FY98

Threshold inquiries may be undertaken prior to the Commission’s initial determination review of a filed complaint. These inquiries are limited to an investigation of factual allegations where the evidence is easily obtainable (e.g. public records) or where an answer by the respondent may directly and effectively address the charges. Threshold inquiry procedures were implemented by the Commission in December, 1993, to streamline the complaint review process and allow for swifter dismissal of unsubstantiated complaints. During FY98 investigators completed threshold inquiries on 45 complaints, leading to the dismissal of all 45 complaints either in FY98 or FY99.

INVESTIGATIONS FY98

Full investigations are undertaken following the initial determination review and must be completed within 180 days of the receipt of the complaint. (The Commission may grant up to two 60-day extensions of the investigative time period for good cause shown.) The Commission may issue subpoenas allowing investigators to compel witnesses to attend investigative interviews and to produce documents. At the close of the investigation, an investigative report is prepared. A copy of the report is provided to the Respondent prior to a probable cause hearing. In FY98, 19 investigations were completed.



As noted above, the Ethics Commission held one adjudication and approved and accepted three Informal Resolution and Settlements regarding violations of the Code of Ethics. Those complaints are summarized on the following pages.

In re Joseph Balirano, Complaint Nos. 97-16 and 97-18

On April 30, 1998, the Commission approved and accepted an Informal Resolution and Settlement between the Respondent, Johnston Town Council President, and Commission prosecutors. The complaints filed by George Resnick and Michael Fagnoli alleged that the Respondent violated the Code of Ethics by accepting a ticket to the 1997 Super Bowl and related travel and lodging expenses, worth approximately \$2,000, from a principal of a company that specializes in recycling collection that had done business and expected to do future business with the Town of Johnson. The Respondent did not take any official action as a member of Johnston Town Council that benefited the principal or his company contemporaneous with and subsequent to the acceptance of the items of value. The Commission found that the Respondent's actions fell within the prohibitions set forth in R.I. Gen. Laws § 36-14-5(d). The Commission imposed a civil penalty of \$4,000.

In re Richard Hughes, Complaint No. 96-66

The Commission issued an Order on September 23, 1997 approving and accepting an Informal Resolution and Settlement between the Respondent, the former City of Warwick Acting Fire Marshal, and Commission prosecutors. A complaint filed by Commission Investigator Raymond Bouchard alleged that the Respondent violated the Code of Ethics by participating in the review and inspection of a fuel storage tank at the Harbor Light Marina while simultaneously retaining attorney Philip Noel, a principal shareholder of the Marina, to represent him in legal proceedings before the Warwick Board of Public Safety regarding the appointment of the permanent Fire Marshal. The Commission found that the Respondent acted in substantial conflict with his public duties by reviewing and inspecting the fuel storage tank in violation of R.I. Gen. Laws § 36-14-5(a). The Respondent was ordered to pay a penalty of \$1,000.

In re Thomas Lazieh, Complaint Nos. 96-9 and 96-12

On May 5, 1998, following seven days of hearings, the Commission issued a decision in an adjudication involving the Respondent, the former Mayor of Central Falls. Complaints filed by Michael Farrell, Robert Ferri, Robert Canavan, Robert Weber, Jr., William Aunchman, and Vincent DuBreuil alleged that the Respondent took approximately \$17,000 as an improper payout for vacation time after losing a bid for reelection. The Commission found the Respondent requested, approved, and accepted vacation pay for himself based on a policy he effectuated as Mayor that departed from prior City policy. The Commission further ruled, however, that the Respondent

did not knowingly and willfully violate the Code of Ethics because of some uncertainty in his mind at the time he acted as to whether accepting the payout was a violation of the law.

In re Robert Ritacco, Complaint No. 97-40

On June 30, 1998, the Commission issued an Order approving and accepting an Informal Resolution and Settlement between the Respondent, a Westerly Town Council member, and Commission prosecutors. A complaint filed by David Gingerella alleged that the Respondent violated the Code of Ethics by participating in the consideration and adoption of a no parking and a loading zone ordinance close to property owned by the Respondent and a business operated by members of his immediate family. The Commission found that the Respondent violated the Code of Ethics by acting in substantial conflict with his public duties in his consideration and adoption of the loading zone ordinance in violation of R.I. Gen. Laws § 36-14-5(a). The Respondent was ordered to pay a civil penalty of \$300.

INTRODUCTION

All final orders of the Ethics Commission in contested cases are appealable to the Rhode Island Superior Court. Parties also may petition the Rhode Island Supreme Court for review. The Commission may initiate District Court actions to collect unpaid fines and may initiate Superior Court actions where judicial intervention is necessary to enforce the orders of the Ethics Commission.

Steven M. Clarke v. Rhode Island Ethics Commission, Supreme Court No. 98-110 M.P., Superior Court C.A. 96-4217

The Commission issued a Decision and Order in this matter on July 26, 1996. The Commission found that Mr. Clarke had violated the Code of Ethics, R.I. Gen. Laws §§ 36-14-5(a), 5(d), and 7(a), by having a substantial conflict of interest with the proper discharge of his public duties and use of office by his participation in investigative and enforcement actions involving James Salem at a time when he was a competitor of Salem’s regarding certain private business interests. The Commission imposed a \$4,000 civil penalty. The Respondent filed an appeal of the Decision and Order. The Superior Court reversed the decision based on a procedural error. On appeal by the Commission, the Supreme Court upheld the lower court’s decision finding that the Commission failed to “complete its investigation” within 180 days as provided by statute in that it did not hold a probable cause hearing within that time. The decision overruled a 1995 Superior Court decision that found the Commission’s procedures for completing investigations and hearings proper. The Commission filed a motion for reargument before the full Court. The Supreme Court rejected the Commission’s motion on September 24, 1998.

Thomas A. DiLuglio v. Rhode Island Ethics Commission, Supreme Court No. 94-718 M.P., Supreme Court No. 96-244, Supreme Court No. 97-330 M.P., Superior Court No. 85-4556

On February 14, 1996, the Superior Court issued a Decision denying the Respondent’s administrative appeal and affirming the Commission’s Decision and Order imposing a \$5000 fine. The Respondent had sought Superior Court review of a Decision and Order of the Conflict of Interest Commission that he violated the law by lobbying members of the General Assembly within one year after ending his own service as a state senator. On June 15, 1994, the Ethics Commission received approval from the Superior Court to substitute itself as party defendant in the administrative appeal. The Respondent petitioned the Supreme Court for review of the Superior Court’s decision granting substitution by Writ of Certiorari, with the Commission in

opposition. On May 25, 1995, the Supreme Court denied the petition and the matter proceeded before the Superior Court on the administrative appeal, and the Superior Court subsequently entered the order affirming the Commission’s Decision. The Respondent filed an appeal of that Superior Court Decision with the Supreme Court on May 7, 1996, seeking review of the decision and the substitution of the Ethics Commission in the case. On July 3, 1997, the Supreme Court dismissed the appeal on procedural grounds after concluding that the Respondent failed to properly invoke the Court’s jurisdiction. Shortly thereafter [on July 14, 1997], the Respondent filed a Petition for a Common-Law Writ of Certiorari with the Supreme Court, which was granted by the Court on July 9, 1998.

In re John Doe #1 et al, Superior Court C.A. 95-4258, Supreme Court No. 97-15

On August 4, 1995, John Doe #1 filed a complaint in Superior Court seeking injunctive and declaratory relief. John Doe was a public official under investigation by the Ethics Commission for violations of the Code of Ethics. The plaintiff alleged that Rhode Island General Law and Commission Regulation 36-14-1008 required the Commission to provide the Respondents with its investigatory files prior to a finding of probable cause. The Superior Court issued a temporary restraining order allowing the Respondent to examine the Commission’s records. On September 20, 1995, the Commission filed a Motion for Reconsideration which was denied by the Court. On September 28, 1995, John Doe #1 filed an amended complaint alleging, among other things, a 42 U.S.C. §1983 violation based on a denial of procedural due process. The Commission subsequently made probable cause findings against John Doe #1 and is awaiting adjudication. The Commission filed a motion to dismiss the complaint which was denied by the Court. The Court entered a final order on September 20, 1996, requiring the Commission make its investigative records available to John Doe #1 and imposing \$16,203 in attorney fees. On October 10, 1996, the Commission filed an appeal of the Superior Court decision in the Supreme Court. On March 5, 1998 the Supreme Court upheld the lower court ruling.

Matthew Lewiss v. Rhode Island Ethics Commission, Superior Court C.A. 97-1209

The Commission issued a Decision and Order on February 25, 1997. In its Decision and Order, the Commission found that Mr. Lewiss, former Clerk to the Misquamicut Fire District, had violated the Code of Ethics R.I. Gen. Laws §§ 36-14-5(a), 5(b), 5(f), 6, and Commission Regulation 36-14-5002(3)

by participating and voting on a municipal contract which affected and benefited the financial rights and interests of the Respondent’s private client, and that he failed to file a written recusal with the Fire District and the Ethics Commission. The Commission imposed a \$15,000 civil penalty. The Respondent filed an appeal of the Decision and Order in Superior Court, which is pending.

Richard A. Licht v. Rhode Island Ethics Commission, Superior Court C.A. 97-3013

The Commission issued a Decision and Order in this matter on May 3, 1997. The Commission found that Mr. Licht violated the Code of Ethics R.I. Gen. Laws §§ 36-14-5(a), 5(b) and 6 by having an interest in substantial conflict with the proper discharge of his duties and employment in the public interest, having other employment which impaired his independence of judgment as to his official duties, and failing to file a Statement of Conflict of Interest. The Commission’s Decision related to Mr. Licht’s conduct as the Chairperson for the Board of Governors of Higher Education where he participated in two matters that likely affected the financial interests of one of his clients, the developer of the Providence Place Mall. The Commission fined Mr. Licht \$500. Mr. Licht filed an appeal of the Decision and Order with the Superior Court. In its decision issued on March 9, 1998, the Superior Court, J. Rogers, in reversing the Commission’s Decision, found an insufficient causal connection between the Respondent’s participation and the interests of his client to sustain a violation of the Code of Ethics.

Walter D. Needham v. Rhode Island Ethics Commission, Superior Court C.A. 97-0741

The Commission issued a Decision and Order on January 21, 1997. The Commission, in its Decision and Order, found that Mr. Needham had violated the Code of Ethics, R.I. Gen. Laws §§ 36-14-5(a), 5(d), and 7(a) by having an interest in substantial conflict with the proper discharge of his public duties, and by using his office to obtain financial gain, other than that provided by law, for himself and family members based on the testimony that showed that the Respondent had a landlord/tenant relationship with AlarmPro and that AlarmPro also employed the Respondent’s son. It was further shown that the Respondent specifically recommended AlarmPro for jobs and reviewed and approved installation work done by his son for AlarmPro. The Commission imposed a \$3,000 civil penalty. The Respondent filed an appeal of the Decision and Order with the Superior Court. (FY 99 Update: The Superior Court reversed the Commission’s decision on

December 7, 1998. The Ethics Commission has filed a petitioner for a writ of certiorari with the Rhode Island Supreme Court, which is pending.)

Rhode Island Ethics Commission v. John Deasy, Superior Court C.A. No. 98-1942

On April 23, 1998, the Ethics Commission filed a Motion to Enforce an Order of the Rhode Island Ethics Commission Compelling Production of Documents and for a Writ of Mandamus. The Ethics Commission, pursuant to its investigative authority set forth in R.I. Gen. Laws § 36-14-12(a), had issued *subpoenas duces tecum* upon the Respondent, as custodian of Records for the Coventry School Department, for executive session minutes of the Coventry School Committee that were relevant to a pending investigation. After failure to comply with the subpoena and a Commission order compelling production of the documents, the Commission filed this action. The Respondent then requested that the subpoena be quashed. Following written and oral argument, the Superior Court denied the Respondent’s Petition to Quash and the Respondent was ordered to produce redacted copies of executive session minutes including information, discussion or votes relating to the Commission’s investigation. The Court also requested the Commission to provide the Respondent with a hearing when and if it sought public disclosure of the executive session minutes.

FINANCIAL DISCLOSURE

INTRODUCTION

The Ethics Commission is empowered by the Rhode Island Constitution to adopt ethics code provisions governing financial disclosure by public officials. (R.I. Const. art. III, Sec. 8) By statute, financial disclosure is required of all elected officials, all candidates for public office, and persons appointed to serve as an officer or member of certain state or municipal agencies. (R.I. Gen. Laws §§ 36-14-2(1), (2), (4)(a) and (4)(b) and § 36-14-16 and 17.)

Financial disclosure statements must be filed annually. Officials are required to disclose sources of income and assets, including those of a spouse and any dependent children. Officials also must disclose whether they, a spouse or dependent child hold interest in any business regulated by Rhode Island government or in any enterprise which engages in business transactions with the government. Finally, officials must disclose the name and address of any person, business or organization which is owed more than \$1,000 by the official, a spouse, or a dependent child. Officials are not required to disclose the dollar amount of any income, asset, or debt.

Each year, on average, staff of the Ethics Commission process the dissemination of financial disclosure statements for more than 6000 officials. Computer systems are used to create and maintain lists of officials subject to the disclosure requirements. Throughout the year, staff update computer databases as elections are held, appointments are made, terms end, officials resign, new positions are created and former agencies and commissions are disbanded.

Candidate lists are obtained from each of the 39 boards of canvassers during election years; lists of elected and appointed officials are obtained from city and town clerks, fire districts, and the leaders of state departments and agencies. Financial disclosure forms and instructions are mailed to new appointees and candidates as soon as the Commission receives official written notice of their appointment or eligibility.

Thereafter, forms and instructions are mailed on an annual basis to persons subject to filing requirements. In FY98, 4675 officials filed financial disclosure forms with the Ethics Commission.

FINANCIAL DISCLOSURE
FY88 To FY98

FINANCIAL DISCLOSURE

PUBLIC ACCESS

All financial disclosure statements are public records and may be reviewed during regular business hours. The Commission maintains records at its offices for up to five years; records dating back beyond five years are held at an off-site storage facility. Copies of any financial disclosure record may be obtained at a cost of \$0.15 per page. Additionally, downloadable forms are available on the Commission’s web page.

The Commision’s financial disclosure program has been severely underfunded for several years. As a result, basic compliance and audit efforts have suffered and basic compliance with the disclosure law by public officials has waned. The Commission hopes to improve compliance, moving towards a goal of 100%, by adding an audit position within the agency.

GOALS: FY99

INTRODUCTION

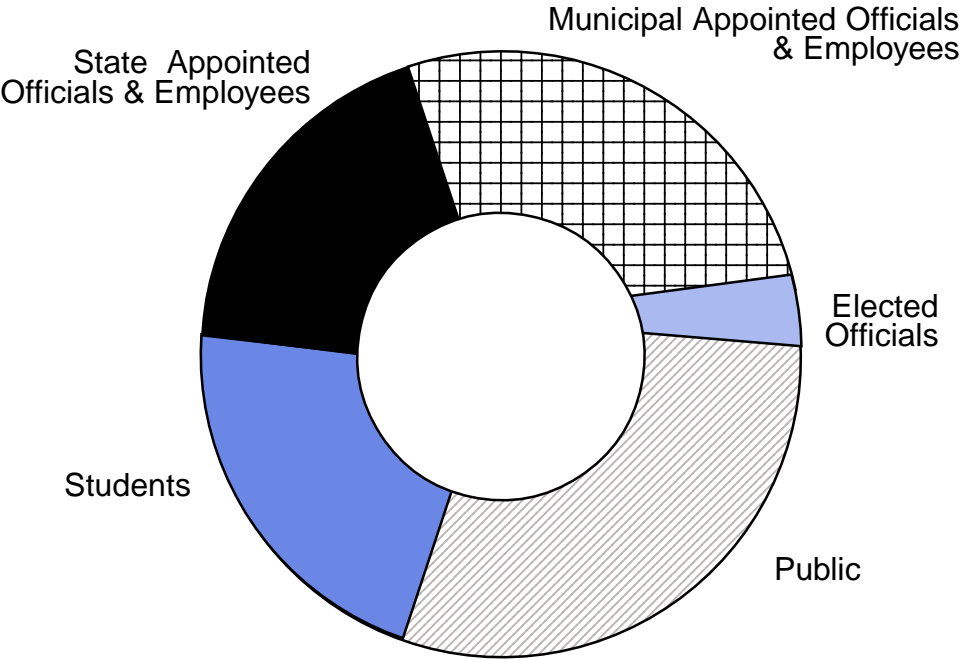
Statutory provisions authorize the Ethics Commission to establish an education program (R.I. Gen. Laws §§ 36-14-9(14) and (15) and § 36-14-10). The program’s purpose is to educate public officials, public employees, and all Rhode Islanders regarding the Code of Ethics and Commission procedures. The program includes seminars and workshops as well as the production and dissemination of brochures and other publications explaining the Code. The Commission staff, following outreach to public officials and employees at all levels of government, identify the program objectives and content that would meet the needs of their agencies and departments. The seminar or workshop will include topics under the Code of Ethics that frequently arise in the advisory opinion or complaint contexts and are incorporated into a presentation or interactive format of varying duration depending on the needs and goals of the agency. Commission publications are made available during these events and are always available at the Commission’s offices.

The seminar program is designed to be easily tailored to the unique governmental roles and responsibilities of its participants. While each program is built around a core curriculum, the governing statutes, policies and procedures of the sponsoring agency and the job descriptions or powers and duties of the participants are utilized to focus the discussion on the most relevant sections of the Code of Ethics and to enrich the program with real-world examples of Code applications. The program ranges from introductory lectures to interactive, participant-directed seminars. Whenever possible, seminars are provided at the worksites or meeting places of the participants. Most programs are provided at no cost to the sponsoring agency (occasionally agencies are asked to assist the Ethics Commission with the costs of duplicating handouts used in the program).

SEMINARS FY98

In FY98, 25 workshops and seminars were held with 792 people participating. As seen in Chart V, 212 participants were municipal employees or elected or appointed officials and 155 were state employees, appointees and department directors. The remainder were members of the public, including students attending area colleges, high schools and youth programs, and lobbyists.

CHART V



The Ethics Commission continued its collaborative efforts with The University of Rhode Island’s John Hazen White Sr. Center for Ethics and Public Service through its ongoing workshop program, “Ethics and Leadership Seminars for Public Managers.” The Ethics Commission looks forward to continuing this collaboration. In addition, the Commission began collaborative efforts with police officers who have been certified by the National Institute of Ethics as police ethics trainers in offering ethics awareness training to police departments. Other joint programs include the Lobbyists Workshop sponsored by the Secretary of State, Boys State, and the Deputy Sheriff’s Training Academy. Commission staff have also participated in courses offered at the Roger Williams Law School, Rhode Island College, and Ponaganset High School. Finally, in September 1997 the Ethics Commission was selected as host for the 1999 annual conference of the Council on Governmental Ethics Laws (COGEL). COGEL is an international organization with primary membership from the United States, Canada and the United Kingdom. Member organizations are, for the most part, “watchdog” agencies with jurisdiction involving campaign finance, ethics, elections, freedom of information, lobbying and anti-corruption. The conference, which is a centerpiece of the Commission’s outreach and education efforts, will convene in Providence, December 5-8, 1999, at the Westin Hotel. Co-host is the Rhode Island Secretary of State.

COLLABORATIVE PROGRAMS

PUBLICATIONS

Two new advisory digests - *Advisory Digest- Fire Districts and 1997 Advisory Digest* - and annual report were added to the Commission's publications in FY98. A new brochure, *Moonlighting*, was also introduced. Additionally, other publications have been updated and an issue of *Ethics Today* was printed. The publications serve to assist the public as well as those subject to the Code of Ethics in their efforts to understand and abide by its provisions. The brochures and volumes include:

- A Guide to the Code of Ethics*
- Advisory Digest - DEM opinions 1989-1997*
- Advisory Digest - Fire Districts*
- Advisory Digest - Legislators 1992-1997*
- Advisory Digest - Public Safety Officers- 1992-1997*
- Advisory Digest - School Committees 1991-1997*
- Advisory Digest - Tax Assessors & Collectors 1990-1997*
- Advisory Digests, 1988-1997*
- Annual Reports, FY94-FY97*
- Code of Ethics*
- Code of Ethics: Selected Provisions*
- Code of Ethics Relating to Lobbyists*
- Complaints, Investigations and Enforcement*
- Ethics Today Newsletter*
- Financial Disclosure Requirements*
- General Commission Advisories*
- How to Get an Advisory Opinion*
- How to Recuse*

Goals for FY99 include further outreach and ongoing development and presentation of seminars and workshops. The Commission will begin offering regular training sessions at its offices so that an organization or office can send new appointees or employees for training rather than schedule training for the entire office. A multimedia projector will aid both the presenter and participants in a more dynamic program. In addition, the educational program will coordinate the Commission's efforts to expand public access to Commission activities, decisions, opinions, and information about the Code of Ethics. Continued publishing of advisory digests and making available a variety of information including advisory opinions, decisions, forms, and publications, via the internet, as well as accessibility via e-mail round out the goals for the education program.

GOALS: FY99

INTRODUCTION

The Ethics Commission has responsibilities for programs in financial disclosure, investigation and enforcement, education, and regulatory matters. Given the breadth of these responsibilities and overlapping of much of the associated information, the Commission has sought to implement an integrated approach to the handling of this information to improve the Commission's productivity, efficiency, and access to information.

In FY96, the Commission, in conjunction with the Office of Information Processing, a division of the RI Department of Administration, hired a consultant to study the Commission's needs and recommend appropriate technologies to meet the Commission's technical needs.

In FY97, the Commission purchased the necessary hardware and software to meet the goal of integration of data and began the process of storing all data in-house. In FY98, the Commission began building the base component and one module of the database.

Additionally, the Commission began its efforts to demonstrate Year 2000 compliance. The Commission completed inventories of all computer hardware and software and infrastructure equipment. In addition, all computer hardware was tested and confirmed to be Y2K compliant.

The Commission continues its computerization efforts, specifically focusing on building and improving integrated databases. Additional funding continues to be sought, so as to implement electronic filing of and access to financial disclosure information. The Commission will also continue Y2K compliance efforts by testing computer software and infrastructure equipment, and patching or replacing equipment found to be noncompliant.

GOALS: FY99

PUBLIC ACCESS

INTRODUCTION

The Rhode Island Ethics Commission is a public agency, subject to the requirements of the Open Meeting Law (R.I. Gen. Laws § 42-46-1 et seq.), the Public Records Law (R.I. Gen. Laws § 38-2-1 et seq.), the Administrative Procedures Act (R.I. Gen. Laws § 42-35-1 et seq.), and the Americans with Disabilities Act of 1990 (P.L. 101-336).

The offices of the Commission are open from 8:30 a.m. to 4:30 p.m. Monday through Friday. All persons are welcome to inspect public records during regular business hours. Copies may be obtained in person, or by calling the Commission at 222-3790 (voice/tt), at the State Government toll-free number, 1-800-752-8088 (voice), or via Rhode Island Relay, a telecommunications service for persons with hearing or speech disabilities, at 1-800-RI5-5555. A fee of \$0.15 per page may be charged for copies.

MEETINGS

The Ethics Commission holds open meetings to consider advisory opinion requests, issue declaratory rulings, conduct adjudicative hearings, accept public comment on proposed regulations, and hear staff and committee reports. Initial determination reviews and probable cause hearings are conducted in executive session. Notices of all meetings are posted at the State House, Commission offices, and at meeting locations. The public is welcome to attend all open meetings.

RECORDS

The minutes of open Commission meetings, advisory opinions, financial disclosure statements and complaints are all public records. The public complaint files include, in addition to the actual complaint, any written answer filed by the respondent, all orders issued by the Commission, notices of meetings and hearings, any motions filed, and a docket of Commission actions. Once a complaint is dismissed or a finding of probable cause is issued, the public files also contain the investigative report and related materials. Advisory opinions issued between 1995 and 1998 are available on the Ethics Commission web page as are Decisions and Orders of complaint matters adjudicated or settled filed after 1991.

All forms of the Rhode Island Ethics Commission are available at the Commission offices. Additionally, recusal, complaint, and financial disclosure forms (current year only) may be downloaded from the Commission’s web page.

PUBLIC ACCESS

EDUCATIONAL MATERIALS

All educational materials are available to the public. Materials include the Code of Ethics, summaries of advisory opinions, brochures explaining Commission procedures, and Annual Reports. Some of this material is also available on the Commission’s web page.

WEB PAGE

The Commission maintains a web page providing basic information about the Commission. The site includes information about Commission members and Staff as well as the various work of the Commission. Several publications are available including the latest newsletter. A search page allows users to search text from advisory opinions, certain complaint matters, the Code of Ethics, or the entire web site. Recusal, Financial Disclosure, and Complaint Forms may be downloaded for completion. Finally, the site provides a direct link to the Commission’s e-mail.

ACCESS FOR PERSONS WITH DISABILITIES

The Ethics Commission has a strong commitment to ensuring and improving access for persons with disabilities. Reasonable accommodations are made to afford public officials and the public with access to the Commission’s meetings and documents. Any person requesting a reasonable accommodation because of a disability may contact the Commission’s ADA coordinator by calling the Commission during regular business hours or writing to its office address.

GOALS: FY99

The Commission plans to continue to focus its priorities on developing the computer and telecommunication technologies necessary to provide on-line access to its decisions, opinions, minutes, meeting notices, educational materials and to the Code of Ethics (See Computers and Technology, page 31).

A GUIDE TO THE

PUBLIC OFFICIALS AND EMPLOYEES...

- ▲ may not participate in official actions, decisions or deliberations that affect family members, business associates, outside employers or any business he/she represents.
- ▲ may not hire, evaluate, supervise or otherwise participate in employment decisions affecting family members.
- ▲ who participate in decision-making may not accept things of value (gifts, loans, rewards, promises of future employment, favors, discounts, etc.) from interested persons unless it is a campaign contribution, a plaque, services or material of insignificant value, food and beverage if he/she is speaking or answering questions as part of a program, or if it is received because of membership in a group, a majority of the group's members are not subject to the Code of Ethics, and an equivalent gift is given to other members of the group.
- ▲ may not accept gratuities, or tips, given in return for performing his/her public duties.
- ▲ may not accept honoraria, or payment, in return for carrying out his/her official duties unless public time and/or resources have not been used and he/she does not exercise fiscal, regulatory, or jurisdictional control over the sponsor.
- ▲ may not use municipal or state property for private purposes and must conform to laws, rules and regulations adopted by the state, city and the department.
- ▲ may not use or disclose, for financial gain, confidential information acquired in the course of official duties.
- ▲ may not use his/her public office for pecuniary gain for self, family, business associate, outside employers, or businesses he/she represents.
- ▲ may not accept outside employment that impairs his/her independence of judgment or that induces him/her to disclose confidential government information.
- ▲ may not receive compensation to represent any person or organization before any agency, board, commission or other government entity over which he/she exercises fiscal or jurisdictional control unless he/she is acting as a representative of a duly certified bargaining unit, the representation takes place in a state court of public record, or you are asking

CODE OF ETHICS

the government entity to carry out a mandatory duty that does not involve any discretion.

- ▲ may not represent him/herself or anyone else before his/her own agency until the expiration of one year from the date of severance from the agency.
- ▲ who are members of a public body may not accept from that body appointment to any position that carries with it financial benefit or remuneration until the expiration of one year from date of severance from that body.
- ▲ who are state elected officials or persons in senior policy-making, discretionary or confidential position on the staff of a state elected official or the General Assembly may not seek or accept other state employment in the classified, unclassified, or nonclassified service until one year after severance from their job.
- ▲ and his/her family, business associates, or businesses in which these groups have a 10% or greater equity interest or a \$5000 or greater cash value interest may not enter into a contract with any state or local government unless the contract is awarded through an open and public bidding process, including prior public notice and subsequent public disclosure.
- ▲ may not engage in a financial transaction, including private employment, loans, monetary, political or charitable contributions with an employee, contractor, or consultant over whom he/she exercises supervisory responsibilities unless the transaction is in the normal course of a regular commercial business, the subordinate initiates the financial transaction, or it is a charitable event sponsored by the highest official or governing body of the state or municipality

.....

- ▲ shall file a false and frivolous complaint.
- ▲ shall intimidate a witness before the Ethics Commission.
- ▲ shall give anything of value to a person covered by the Code of Ethics or his/her family or business associates based on the understanding that the gift will influence judgment or official action.

For complete ethics laws and rules, please contact the Ethics Commission

NO PERSON...